

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 20-cv-03664-LHK (SVK)

**ORDER GRANTING IN PART AND
DENYING IN PART
ADMINISTRATIVE MOTIONS TO
FILE UNDER SEAL**

Re: Dkt. Nos. 308, 309, 310, 321

Before the Court are several administrative motions to file under seal materials associated with discovery disputes in this case. Dkt. 308, 309, 310, 321; *see also* Dkt. 315.

Courts recognize a “general right to inspect and copy public records and documents, including judicial records and documents.” *Kamakana v. City & Cnty. Of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Communs., Inc.*, 435 U.S. 589, 597 & n.7 (1978)). A request to seal court records therefore starts with a “strong presumption in favor of access.” *Kamakana*, 447 F.3d at 1178 (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). The standard for overcoming the presumption of public access to court records depends on the purpose for which the records are filed with the court. A party seeking to seal court records relating to motions that are “more than tangentially related to the underlying cause of action” must demonstrate “compelling reasons” that support secrecy. *Ctr. For Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1099 (9th Cir. 2016). For records attached to motions that re “not related, or only tangentially related, to the merits of the case,” the lower “good cause” standard of Rule 26(c) applies. *Id.*; *see also Kamakana*, 447 F.3d at 1179. A party moving to seal court records must also comply with the procedures established by Civil Local Rule 79-5.

Here, the “good cause” standard applies because the information the parties seek to seal was submitted to the Court in connection with discovery-related motions, rather than a motion that concerns the merits of the case. The Court may reach different conclusions regarding sealing these documents under different standards or in a different context. Having considered the motions to seal, supporting declarations, and the pleadings on file, and good cause appearing, the Court **ORDERS** as follows:

1. Dkt. 308

| Document Sought to be Sealed | Court’s Ruling on Motion to Seal | Reason(s) for Court’s Ruling |
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| October 20, 2021 Special Master’s Report | GRANTED as to redacted portions at: Page 5, line 10; Exhibit A, Page 1, Column “Special Master’s Order”, lines 11-17; 19 Exhibit A, Page 3, Column “Special Master’s Order”, lines 15-16, 20, 38-41, 43 | Narrowly tailored to protect confidential and proprietary information regarding sensitive features of Google’s internal systems and operations, including details about internal identifiers, projects, and data structures, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. |

2. Dkt. 309

| Document Sought to be Sealed | Court’s Ruling on Motion to Seal | Reason(s) for Court’s Ruling |
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| Plaintiffs’ Objections to the Special Master’s Report and Orders on Referred Discovery Disputes (“Plaintiffs’ Objections”) | GRANTED as to redacted portions on Pages 1-5. | Narrowly tailored to protect confidential and proprietary information regarding sensitive features of Google’s internal systems and operations, including details related to project names, cookies, internal identifiers, and financial information as well as Google’s internal communications and practices with regard to Incognito |

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| | | and its proprietary functions, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. |
| Plaintiffs' [Proposed] Order Regarding Plaintiffs' Objections to the Special Master's Report and Orders on Referred Discovery Disputes | GRANTED as to redacted portions at Page 2, lines 22-27; Page 3, lines 1-2, 9, 12-13. | Narrowly tailored to protect confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to project names, cookies, internal identifiers, and financial information as well as Google's internal communications and practices with regard to Incognito and its proprietary functions, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. |
| Exhibit A to Plaintiffs' Objections, GOOG-CABR-03662096 | GRANTED as to the entire document. | Contains confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to project names, cookies, internal identifiers, and financial information as well as Google's internal communications and practices with regard to Incognito and its proprietary functions, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. |
| Exhibit B to Plaintiffs' Objections, GOOG-BRWN-00184875 | GRANTED as to the entire document. | Contains confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to internal projects as well as Google's internal communications and |

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| | | practices with regard to Incognito and its proprietary functions, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. |
| Exhibit C to Plaintiffs' Objections, GOOG-BRWN-00433503 | GRANTED as to the entire document. | Contains confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to cookies, internal identifiers, and financial information as well as Google's internal communications and practices with regard to Incognito and its proprietary functions, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. |
| Exhibit D to Plaintiffs' Objections, GOOG-BRWN-00204684 | GRANTED as to the entire document. | Contains confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to cookies, internal metrics, and financial information as well as Google's internal communications and practices with regard to Incognito and its proprietary functions, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. |
| Exhibit E to Plaintiffs' Objections, GOOG-BRWN-00168623.C | GRANTED as to the entire document. | Contains confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to project names, cookies, and internal identifiers as well as Google's internal communications and |

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| | | practices with regard to Incognito and its proprietary functions, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. |
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3. Dkt. 310

| Document Sought to be Sealed | Court's Ruling on Motion to Seal | Reason(s) for Court's Ruling |
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| Google's Responses and Objections to Special Master's Report and Orders on Referred Discovery Issues | GRANTED as to redacted portions at: 2:19-21; 3:2-7; 3:9; 3:13; 3:15; 4:8; 4:18-21; 5:3-4 | Narrowly tailored to protect confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to various types of Google's internal identifiers, projects, data logs, and data structures related to its products and services, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. |
| Exhibit 1 | GRANTED as to the entire document | Contains confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to various types of Google's internal identifiers, projects, data logs, and data structures related to its products and services, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. |
| Exhibit 2 | GRANTED as to the entire document | Contains confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to Google's internal logs data and data usage policies, that Google maintains as |

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| | | confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. |
| Exhibit 3 | GRANTED as to the entire document | Contains confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to Google's internal identifiers and data usage policies, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. |
| Exhibit 4 | GRANTED as to the entire document | Contains confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including details related to various types of Google's internal identifiers, data flow, and data structures related to its products and services, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. |

4. Dkt. 321

| Document Sought to be Sealed | Court's Ruling on Motion to Seal | Reason(s) for Court's Ruling |
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| Plaintiffs' Demonstratives | DENIED without prejudice | Plaintiffs seek to seal information on the grounds that Google has designated the information under the protective order in this case, but Google has not filed a declaration demonstrating that the material is sealable, as required under Civil Local Rule 79-5. Google must submit the required declaration no later than November 19, 2021 . Failure to submit the required declaration by this extended deadline may result in denial of the motion to seal. |

SO ORDERED.

Dated: November 12, 2021

A handwritten signature in black ink, reading "Susan Van Keulen", written over a horizontal line.

SUSAN VAN KEULEN
United States Magistrate Judge